

DETAILED ACTION

1. This communication is in response to the phone calls made by the attorney of the record Daniel Geselowitz to the examiner and to the examiner's supervisor Michael Barr.
2. Mr. Geselowitz called the examiner and his supervisor to notify them that according to his knowledge the applicants have not filed any amendment in the application. Mr. Geselowitz also notified the examiner that according to his knowledge the applicants have not filed Article 34 amendment in the PCT case.
3. According to the PTO files amendment, which has been entered in the database as filed on 10/15/04, is an Article 34 amendment received from the PCT Office.
4. It is noted that the similar preexamination amendment is presented in the file of the EPO application, which is based on the same PCT application.
5. Since the applicant's attorney has questioned the legitimacy of the referenced amendment, the examiner requests the applicants to clarify the issue. If the applicants neither filed the amendment (or Article 34 amendment in the PCT application), nor authorized any of their representative to file the amendment, an evidence that the applicants neither filed the referenced amendment (or Article 34 amendment in the PCT application), nor authorized any of their representative to file the amendment is requested. A Declaration signed by the applicants would be accepted as the evidence.

6. If the discussed evidence will be presented, the previous Office action will be withdrawn and the examiner will issue a new Office action acting on the unamended claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 571-272-1304. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Markoff
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